

REMARKS

Entry of the foregoing amendments, and reexamination and reconsideration of the subject application, pursuant to and consistent with 37 C.F.R. § 1.104 and § 1.112, and in light of the following remarks, are respectfully requested.

Claims 8, 12, and 15 have been amended to better define the invention as reducing damage to the collagen structure and its biosynthesis (via fibroblasts) rather than completely eliminating the damage as might have been implied by wording of the original claims. No new matter is added.

Restriction was required among Groups I (claims 1-7), II (claims 8-14), and III (claim 15). Applicants provisionally elect Group II, claims 8-14, with traverse.

As now amended, claim 15 specifically recites treating the collagen degradation caused by acne, not treating acne *per se*.

Accordingly, Groups II and III are related: both require treatment to reduce collagen degradation by inhibiting MMP-1/8/13 with respect to inhibiting MMP-9/2. The statement that "the pathological conditions of acne do not necessarily involve collagen [degradation]" is now moot in light of the claim amendment and is directly contradicted by the *in vivo* results provided in co-pending US application 576,597 (incorporated by reference; see page 12, first full paragraph). The *in vivo* human data in the '597 application show that MMP-1 is elevated in acne lesions, and is believed to be the first time such has been shown. Accordingly, Groups II and III do not have different modes of operation, different functions, or different effects, and so the claims of Groups II and III should be examined together.

As for Group I with respect to Groups II and III, as now amended all of these claims require that the composition preferentially inhibit MMP-1/8/13 with respect to MMP-9/2, or that the method achieve the same inhibitory effect. The use of the composition for treating different conditions is not the practice of

different methods to the extent the claims recite, and an artisan or ordinary skill in the art appreciates, that the “treatment” affected by the composition is the selective reduction of MMP-1/8/13 in respect of MMP-9/2. Thus, the composition of Group I is used in claims 8-15 in the same manner and to achieve the same result, even though the conditions (chronologically-aged skin versus acne) are different.

Therefore, the entirety of the restriction requirement should be reversed, or at least modified so that Groups II and III are examined together.